

SUBDIVISION MEETING

June 13, 2002

Chairman Mike Murray called the meeting at 9:00 a.m.

Commissioners Varone and Loendorf were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Nancy Everson, Frank Rives, Jerry Grebenc, Michael McHugh, Rick Hill, Mark Dowdy, Connie Hutchings, Julie McDermott, Julie Davis, Cheryl Summerer, Bob Haseman, Jeff Larson, and Carole Byrnes.

Pledge of Allegiance. Everyone recited the pledge.

Lincoln Minutes. The minutes of February 1, March 1 (mtg. canceled), April 5, 2002, and May 3, 2002 were approved.

Revision of Floodplain Ordinance and Maps. (cont. from 6/11/02). Commissioner Murray reported that yesterday action was filed in District Court enjoining Lewis and Clark County and each Commissioner from taking action on the floodplain. While the injunction is being reviewed, legal counsel has advised the Commission not to act on the floodplain at this time. FEMA's deadline for a response is 5:00 p.m. Monday, June 17. Commissioner Varone moved to table a decision on the adoption of the floodplain maps until 3:00 p.m. Monday, June 17. Commissioner Loendorf seconded the motion and it carried unanimously.

Resolution to Increase the Private Pay Daily Room Rates at the Cooney Convalescent Home. Mark Dowdy, Cooney Home Finance Coordinator, reported that private pay room rates will increase to \$126, and semi-private room rates will increase \$120. Semi-private room rates for the Alzheimer Unit will increase to \$125 and the private room rate will increase to \$130. These rates will be effective July 1, 2002. The purpose of the 2% rate increase is to remain in line with Medicaid reimbursements. The rates charged at the Cooney Home include all ancillary costs, except for an individual's prescription drugs. Commissioner Varone moved to approve the resolution and authorized the Chairman to sign. Commissioner Loendorf seconded the motion and it carried unanimously.

Resolution to Increase the Jail Food Rates at the Cooney Convalescent Home. Mark Dowdy reported that the 7.6% increase is to remain in line with actual costs incurred for jail food expenses. The new daily rate for breakfast (\$2.53), lunch (\$3.12), and dinner (\$5.40) is \$11.05. There has been no rate increase for the last two years. Commissioner Loendorf moved to approve the resolution and authorized the Chairman to sign. Commissioner Varone seconded the motion and it carried unanimously.

Proposed Subdivision, Summary Review to be Known as the Red Letter Minor. (cont. from 6/04/02). The applicant proposes to create two lots. Tract B1 would be for a single-family home. The applicants are proposing to have Tract B2 annexed into the City of Helena for further subdivision. The applicant, Rick Hill, was present. If annexation is approved, Tract B2 would be developed with five lots, four lots for single-

family residences and one lot for 8 condominium units. The proposal is located southeast of Helena and adjacent to the city limits. Commissioner Varone moved to approve the proposal subject to 11 conditions. Commissioner Loendorf seconded the motion.

Amendments to Conditions of Approval.

Condition 6.b. Commissioner Varone moved to delete the UBC requirement. The motion died for the lack of a second.

Conditions 6.k. Commissioner Varone moved to delete as a duplication of condition 6.f relative to fire protection guideline requirements. The motion died for the lack of a second.

Condition 6.l. Commissioner Varone moved to delete the clearing of brush and tall grasses requirement. The motion died for the lack of a second.

Condition 6.m. Commissioner Varone moved to delete the pruning requirement. The motion died for the lack of a second.

Condition 6.n. Commissioner Varone moved to delete the prohibition of storage of food requirement. The motion died for the lack of a second.

Condition 6.o. Commissioner Varone moved to delete the requirement that all dogs be restrained or penned. The motion died for the lack of a second.

Condition 11. By consensus, the Commissioners agreed to correct Tract B1 to B2.

Amendment to Findings and Conclusions.

Conclusion 5. Commissioner Varone moved to add 'this proposal would have minimal adverse effects on public health and safety.' The motion died for the lack of a second.

The motion to approve the proposal subject to 11 conditions as amended carried unanimously.

Proposed Minor Subdivision, Preliminary Plat, Lazy JC Acres Minor. (cont. from 6/11/02). The applicant proposes to create five lots, each for one single-family dwelling. The proposal is located west of Green Meadow Drive and north of John G Mine Road. The applicant, Jerry Christison, was present. The public record was kept open through today to allow additional public comments.

Julie Davis stated she met with the applicant after the last public meeting. Mr. Christison informed her the well drilled directly behind her home will be used as a secondary well because the smaller well is not pumping enough water.

Julie McDermott, 7108 Antelope Way. Mrs. McDermott met with the applicant after the last public meeting and discussed her damaged fence and the water that is pooling at

the corner. He indicated that he did not fill in the natural drainage but he did when he made the turn for the drive.

Hearing no other comments, the public hearing is closed. Commissioner Loendorf moved to approve the proposal subject to 17 conditions as recommended by staff. Commissioner Varone seconded the motion.

Amendments to Conditions of Approval.

Condition 6. Commissioner Varone moved to modify this condition to read 'The applicant shall contribute \$200 per additional lot for improvement of fire-fighting water supplies in the West Valley Fire District.' Commissioner Loendorf seconded the motion and it carried unanimously.

Commissioner Varone stated she had concerns about this subdivision and asked staff to put together an additional condition of approval:

Condition 17. The applicant shall obtain a 60-foot wide access and utility easement across Tract A of the Ray Sewell survey (recorded in Book M18, page 5574) as a means of accessing the Lazy JC Acres Minor Subdivision. The access and utility easement shall be oriented so as to pass between proposed Tracts A-1D and A1-E, or approximately 235 west of the eastern property line of Tract A-1. The applicant shall also abandon that portion of the 60-foot access and utility easement that borders Crestwood Acres Subdivision and proposed Tracts A-1E and A-1C, which is recorded. The applicant will restore the vegetation and drainages inside the abandoned easement.

After further discussion, Commissioner Varone moved that the road be moved between Tract A-1D and A-1E and constructed appropriately, and the original road demolished and brought back to its original state. Commissioner Loendorf seconded the motion. Commissioner Murray stated the motion should state which Peccia standard the road should be brought up to. By consensus, Peccia 3 standard will be added to the motion. The motion to add the condition 17 carried unanimously.

The motion to approve the proposal subject to 17 conditions as amended carried unanimously.

Proposed Subdivision to be Known as the Seven Up Minor, Lot E Amended. (cont. from 6/7/02 in Lincoln). The applicants, Ralph and Jennifer Taylor, propose to create two lots, one for one single-family dwelling and one for possible reconstruction of commercial use. The subject property is generally located approximately five miles east of Lincoln. Commissioner Varone moved to approve subject to 8 conditions as recommended by staff. Commissioner Loendorf seconded the motion.

Amendments to Conditions of Approval.

Condition 6.b. Commissioner Varone moved to delete the UBC requirement. The

motion died for the lack of a second.

Condition 6.c. Commissioner Varone moved to delete the waiver of right to protest joining a road maintenance district. The motion died for the lack of a second.

Condition 6.e. Commissioner Varone moved to modify the lighting condition to read, 'any exterior lighting shall be arranged downward to minimize illumination on other property.' Commissioner Loendorf seconded the motion and it carried unanimously.

The motion to approve the proposal subject to 8 conditions as amended carried unanimously.

Request for a One-Year Extension of Preliminary Plat Approval for the Wood Minor Subdivision. Expired 11/30/01. Jerry Grebenc reported that the applicant, Albert Wood, has requested a one-year extension to November 30, 2002. The applicant has shown due diligence and staff recommended approval of the extension. Commissioner Loendorf moved to grant the extension to November 30, 2002. Commissioner Varone seconded the motion and it carried unanimously.

Request for a One-Year Extension of Preliminary Plat Approval for the Golden Estates III Major Subdivision. Expired 4/12/2002. Jerry Grebenc reported that the applicant, Ron Yuhas, has requested a one-year extension to April 12, 2003. The applicant has shown due diligence and staff recommended approval of the extension. Commissioner Loendorf moved to grant the extension to April 12, 2003. Commissioner Varone seconded the motion and it carried unanimously.

Final Plat Approval and Signatures for the Espelin Minor Subdivision. Michael McHugh reported that the 14 conditions of approval have been met and the taxes have been paid. Staff recommended approval of the final plat. By consensus, the Commissioners agreed to sign the final plat.

Final Plat Approval and Signatures for the Lone ~~Prairie~~ Mountain II Major Subdivision. Michael McHugh reported that the final plat should be Lone Mountain instead of Lone Prairie. This proposal is located west of Green Meadow and south of Diamond Springs and received preliminary approval in August 2000. The 16 conditions of approval have been met and the taxes have been paid. Staff recommended approval of the final plat. By consensus, the Commissioners agreed to sign the final plat.

Final Plat Approval and Signatures for the Holter View Tracts, Lot 8 Minor Subdivision. Michael McHugh reported that all conditions have been met and the taxes have been paid. Staff recommended approval of the final plat. By consensus, the Commissioners agreed to sign the final plat.

Resolution Supplementing Resolution 1994-89 Relating to the Refunding of the County's \$800,000 Solid Waste Facility Revenue Bond Series 2000; Authorizing the Issuance of \$784,989 Principal Amount of Lewis and Clark County Solid Waste Facility

Refunding Revenue Bond (DNRC SRF Loan Program) Series 2002. Nancy Everson reported on the bond resolution for the refinancing of the original principal on the InterCap loan in the amount of \$800,000 for the landfill for a 20-year loan, fixed rate of 4%. The loan is being refinanced through the Board of Investments in the amount of \$748,989; administrative fees are in the amount of \$4,307.35. Staff recommended approval. Commissioner Loendorf moved to approve and authorized the Chairman to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution of Intent to Decrease the Solid Waste Disposal Fee and Implement a Modified Pay-As-You-Throw Program as Recommended by the Lincoln Solid Waste District to be effective July 1, 2002. (cont. from 6/7/02 in Lincoln). Nancy Everson reported on the rate resolution approved by the Lincoln Solid Waste District to decrease the rate for all classes--there will no longer be a residential and commercial class. All customers of the district will pay \$72.00 and they are in the process of implementing a Modified Pay-As-You-Throw Program, which will charge all residents who exceed the 9-yard limit \$8.00 per yard over the 9-yard limit. Commissioner Loendorf moved to approve the resolution and authorized the chairman to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Ordering a Refund of Fees and Assessments Paid. Cheryl Green reported that Phillip and Carynn LeMieux were double assessed for Scratch Gravel Solid Waste Management District fees. Staff recommended that the Commission grant a refund to Phillip and Carynn LeMieux in the amount of \$172.00. Commissioner Varone moved to grant the refund to Phillip and Carynn LeMieux in the amount of \$172 and authorized the chairman to sign the resolution. Commissioner Loendorf seconded the motion and it carried unanimously.

Two Mosquito Control Agreements. Commissioner Loendorf moved to table the mosquito control services agreements to Thursday, June 20 to hear whether or not the Mosquito Board recommended approval. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 9:50 a.m.